

REMARKS

By this amendment, claims 3, 4, 6, 8-16, 18-23, 34-36, 39, 40, and 69 are amended. These amendments are made to more clearly recite the claimed invention, do not add prohibited new matter and are fully supported by the specification. Support for these amendments may be found, for example, on page 3, lines 13-16, and page 27 of the specification. Reconsideration and withdrawal of the rejections in the outstanding Office Action are respectfully requested in view of the foregoing amendments and the following remarks.

Rejection under 35 U.S.C. § 112

The Office Action rejects claims 3-28, 34-43, 69, and 70 under 35 U.S.C. § 112, second paragraph, for being allegedly indefinite.

The Examiner asserts that terms such as “standard” and “type” render the claims indefinite. Without agreeing with or acquiescing to the rejection, Applicants note that the claims have been amended, paying particular attention to the concerns raised by the Examiner, in an effort to advance prosecution.

The Examiner also argues that it is unclear why a “display system” is included under a “design management system,” asserting that the “display system” is a part of the “terminal system.” In response, Applicants note that the terminal system comprises a display, but not a display system. The design management system facilitates or controls display of the shape and parameters of a product to a customer, but functions differently than the display itself.

Accordingly, Applicants submit that the organization of these claim elements is not indefinite, and respectfully request withdrawal of the rejection.

The Office Action also alleges that various claim terms lack proper antecedent bases. Without agreeing with or acquiescing to the rejection, Applicants note that the claims have been amended in an effort to advance prosecution. Applicants thus respectfully request withdrawal of the rejections.

Rejections Under 35 U.S.C. § 102(b)

The Office Action rejects claims 34-43 under 35 U.S.C. § 102(b) as being anticipated by Matsuzaki et al. (U.S. Patent No. 5,357,439, hereinafter “MATSUZAKI”).

Initially, Applicants note that independent claims 34, 39, and 40 recite “a patterned special commodity memory,” “a patterned special commodity menu,” and “a system that determines whether an ordered commodity is a standard commodity or a patterned special commodity...and searches a database for price estimates for the patterned special commodity and retrieves an estimate, based on whether the commodity is determined to be pattern special commodity.”

Applicants submit that MATSUZAKI fails to at least disclose (let alone suggest) a system in which “patterned special commodities” are not only stored, but presented in a “patterned special products menu,” as required by the claims (and described at, for example, page 3 of the specification). Furthermore, Applicants note that MATSUZAKI does not disclose a sales system that “searches a database for price estimates for the patterned special product and

retrieves an estimate, based on whether the product is determined to be pattern special product,” as recited in the claims and described at, for example, page 27 of the specification. Accordingly, Applicants submit that MATSUZAKI does not anticipate independent claims 34, 39, and 40 (and claims dependent therefrom).

Furthermore, Applicants note that MATSUZAKI does not disclose all of the elements recited in dependent claims 35 and 36. The Examiner argues that MATSUZAKI discloses a server which “carries out focusing of target customers and management of a visit schedule,” as recited in dependent claim 35. Applicants respectfully disagree, and submit that MATSUZAKI merely discloses a virtual street, which allows a user to browse product designs. The claimed invention manages visit schedules for *in-person* appointments between customers and users. Accordingly, Applicants submit that MATSUZAKI does not disclose all of the elements of claim 35.

The Examiner also argues that MATSUZAKI discloses a system, “wherein the introduction of a cause of a malfunction of a commodity and measures to avoid the malfunction” (as recited in claim 36). The Examiner argues that MATSUZAKI discloses a virtual street, which only offers allowable user inputs. It appears that the Examiner has concluded that the virtual street provides a “measure to avoid...[a] malfunction.” Applicants submit that this feature of MATSUZAKI does not provide the user with potential commodity malfunctions and instructions on how to avoid said malfunctions. Claim 36 requires that “the information terminal presents the customer with potential commodity malfunctions and instructions on how to avoid the potential commodity malfunctions.” Accordingly, Applicants submit that MATSUZAKI

P20962.A14

does not disclose all of the elements of this claim, and respectfully requests withdrawal of this rejection.

Lastly, the Examiner does not address the claim elements recited in dependent claims 41 through 43 in the outstanding Office Action, and Applicants submit that there is nothing in MATSUZAKI which teach (or even suggests) these elements. Accordingly, Applicants submit that MATSUZAKI does not anticipate claims 41-43 and respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of these claims.

Rejections Under 35 U.S.C. § 103(a)

The Office Action rejects claims 3-28, 69, and 70 under 35 U.S.C. § 103(a) as being unpatentable over MATSUZAKI in view of Peterson (U.S. Patent No. 5,603,419, hereinafter “PETERSON”). For the reasons discussed above, Applicants submit that MATSUZAKI fails to disclose all of the elements of the claimed invention. Specifically, MATSUZAKI does not disclose “a patterned special product memory,” “a patterned special product menu,” and “a system that determines whether an ordered product is a standard product or a patterned special product ...and searches a database for price estimates for the patterned special product and retrieves an estimate, based on whether the product is determined to be pattern special product,” as recited in independent claim 3. Applicants submit that PETERSON fails to disclose or suggest the features lacking in MATSUZAKI. For this reason alone, Applicants submit that the combination of MATSUZAKI and PETERSON do not teach all of the elements of the claimed invention.

In setting forth the 35 U.S.C. § 103 rejection, the Examiner acknowledges that MATSUZAKI does not disclose the claimed information management system (as recited in claim 3) that “select[s] a product facility that can provide the ordered product, and transmit[s] to the selected product facility instructions for providing the selected product.” However, the Examiner asserts that PETERSON teaches this element. The Examiner asserts that PETERSON describes the practice of outsourcing, and concludes that it would be obvious for one skilled in the art to incorporate this practice with the teachings of MATSUZAKI.

In response, Applicants submit that the mere suggestion of outsourcing does not equate to teaching an information management system that “select[s] a product facility that can provide the ordered product, and transmit[s] to the selected product facility instructions for providing the selected product,” as recited in independent claim 3. PETERSON teaches a metal shipping rack and briefly discusses outsourcing in the background section (*see, e.g.*, PETERSON, col. 1, lines 13-19). Applicants submit that the combination of MATSUZAKI and PETERSON do not disclose all of the elements recited in independent claim 3 (and its dependent claims). Thus, if one were to combine the teachings of MATSUZAKI and PETERSON in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would at least lack selecting a product facility that provides the ordered product and transmitting to the selected facility instructions for providing the selected product, as recited in independent claim 3. Thus, Applicants submit that pending claim 3 is not obvious in view of the applied art of record.

P20962.A14

Furthermore, Applicants submit that claims 4-28, 69, and 70, which depend from independent claim 3, are allowable for at least the same reasons applicable to claim 3. In view of the above remarks and amendments to the claims, Applicants submit that the claims are not obvious over the applied art of record, and respectfully requests withdrawal of the 35 U.S.C. § 103 rejection, along with an indication of the allowability of those claims.

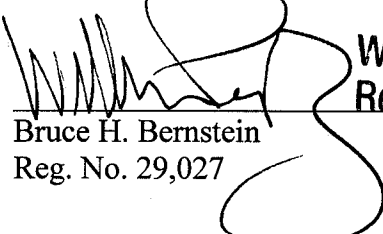
CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

The undersigned hereby authorizes the U.S. Patent and Trademark Office to charge any fees necessary to maintain the pendency of the above-identified application, including any basic filing fees, application size fees, search fees, examination fees, extension of time fees, and claim fees, to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this amendment, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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